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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

ARTIS BRIAN OLIVER,

Defendant and Appellant.

B210952

(Los Angeles County
Super. Ct. No. KA075584)

APPEAL from a judgment and order of the Superior Court of Los Angeles County, Wade D. Olson, Judge. Affirmed.

Marcia R. Clark, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Artis Brian Oliver was sentenced to state prison on October 31, 2007, following the revocation of probation imposed after an earlier conviction for resisting an executive officer in violation of Penal Code section 69. Oliver had pleaded no contest to the charge on July 31, 2006, pursuant to a negotiated agreement. As agreed, an additional charge of resisting an executive officer was dismissed; imposition of sentence was suspended; and Oliver was placed on three years formal probation on condition he serve 48 days in county jail, with credit for time served. As one of the conditions of probation, Oliver was ordered to report to his probation officer. The court also ordered Oliver to pay a \$20 security assessment and a \$200 restitution fine.

On February 26, October 12, and December 10, 2007, the trial court summarily revoked Oliver's probation for failing to appear in court on a progress report hearing and issued a bench warrant for his arrest. Each time, the court recalled the bench warrant, admonished Oliver to comply with the terms and conditions of probation and reinstated probation, with modified terms and conditions.

When Oliver failed to appear in court on July 7, 2008, for a progress report hearing, the trial court summarily revoked his probation and issued a bench warrant for his arrest. On August 19, 2008, the court recalled the bench warrant after Oliver appeared in court. The court remanded Oliver to custody and ordered a supplemental probation report pending a hearing.

At the contested probation violation hearing on September 2, 2008, Deputy Probation Officer Dennis Chormicle testified Oliver was in violation of probation for failing: (1) to report to his probation officer for two months prior to March 24, 2008; (2) to report to his financial evaluator; and (3) to make payments towards his outstanding financial obligation. Oliver testified and admitted having failed to report to his probation officer being unaware he had been reassigned to Chormicle, who was not his original probation officer.

Following argument by counsel, the trial court found Oliver had violated his probation. In sentencing Oliver, the court declined to reinstate probation and imposed the lower term of 16 months in state prison for resisting an executive officer. Oliver received

presentence custody credit of 92 days (85 actual days, 7 days of conduct credit). A parole revocation fine was imposed and suspended pursuant to Penal Code section 1202.45.

We appointed counsel to represent Oliver on appeal. After examination of the record, counsel filed an “Opening Brief” in which no issues were raised. On February 25, 2009, we advised Oliver he had 30 days within which to personally submit any contentions or issues he wished us to consider. We have received no response to date.

We have examined the entire record and are satisfied Oliver’s attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment and order are affirmed.

WOODS, Acting P. J.

We concur:

ZELON, J.

JACKSON, J.